

AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) to (c) There is no section 195 in the Representation of the People Act, 1951. However, a proposal was received from the Election Commission for amending section 159 of the said Act to provide that, in addition to employees of local authorities, employees of Public Sector Undertakings, autonomous bodies, statutory and non-statutory bodies aided by the Government could be deployed for election duties. This is one of the additional proposals on Electoral Reforms which are under discussion with leaders of various political parties.

[Translation]

#### **Hotel Expenses of Officers of CIL**

5405. PROF. RITA VERMA:

SHRI SHATRUGHAN PRASAD SINGH:

Will the Minister of COAL be pleased to state:

(a) the expenditure incurred on payment of Hotel bills of the officers of B.C.C.L. during their visits to Delhi, Calcutta, Chennai, Mumbai or other cities during the last three years;

(b) whether the guest houses of Coal India Ltd. are located in these cities;

(c) if so, the area-wise number thereof and the details of annual expenditure incurred on them during the last three years; and

(d) the steps taken by the Government to check wasteful expenditure by asking all officers of B.C.C.L. to stay in Government Guest Houses?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRIMATI KANTI SINGH): (a) The expenditure incurred during the last three years on payment of hotel bills of the officers of BCCL are as under:

1994—95	1995—96	1996—97 (upto Dec. 96)
Rs. 21,29,870	Rs. 24,18,398	Rs. 17,20,292

(b) Coal India maintains guest houses at Calcutta and New Delhi.

(c) Details of expenditure on CIL guest houses are as under:-

Location	Number of Guest Houses	Annual Expenditure (Rs. in lakh) during last three years		
		1994-95	1995-96	1996-97 (provn.)
Calcutta	6	22.57	22.31	22.45
Delhi	5	35.69	33.27	35.06

(d) Necessary instructions have already been given by BCCL to all officers in BCCL to stay in guest houses where these are available. In case no accommodation is available in guest houses, non-availability certificates are issued by concerned authorities for making their arrangement for stay in hotel.

[English]

#### **Election Commission**

5406. SHRI PRITHVIRAJ D. CHAVAN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Chief Electoral Officers of various States and Union Territories have proposed that powers to make rules to conduct polls be rested with the Election Commission;

(b) if so, the reaction of the Government in this regard; and

(c) the steps taken by the Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) Yes, Sir.

(b) The Government does not favour the proposal.

(c) Does not arise.

#### **Appointment of Judges**

5407. SHRI VIJAY GOEL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Union Government have taken any decision to amend the existing policy of appointment of judges;

(b) if so, the outlines of the decision taken by a bench of nine judges of Supreme Court recently;

(c) whether the Government have consulted the various political parties for the proposed amendments; and

(d) if so, the details of their views in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) Yes, Sir.

(b) The conclusions arrived at by the majority judgement are given in the statement attached.

(c) and (d) The Government decided to introduce a Constitution Amendment Bill in Parliament to make changes in the existing system of appointment of Judges of the Supreme Court, Chief Justices of the High Courts, Judges of the High Courts and transfer of Judges of the High Courts. The draft Constitution (Eighty Second Amendment) Bill, 1997 has accordingly been circulated to members of Lok Sabha. A process of consultation has been initiated to evolve a consensus in this matter.

**Statement**

*Conclusions arrived at by the majority judgement  
dt. 6. 10. 1993 of the Supreme Court of India.*

(1) The process of appointment of Judges to the Supreme Court and the High Courts is an integrated 'participatory consultative process' for selecting the best and most suitable persons available for appointment; and all the constitutional functionaries must perform this duty collectively with a view primarily to reach an agreed decision, subserving the constitutional purpose, so that the occasion of primacy does not arise.

(2) Initiation of the proposal for appointment in the case of the Supreme Court must be by the Chief Justice of India, and in the case of a High Court by the Chief Justice of that High Court; and for transfer of a Judge/Chief Justice of a High Court, the proposal has to be initiated by the Chief Justice of India. This is the manner in which proposals for appointments to the Supreme Court and the High Courts as well as for the transfers of Judges/Chief Justices of the High Courts must invariably be made.

(3) In the event of conflicting opinions by the constitutional functionaries, the opinion of the judiciary 'symbolised' by the view of the Chief Justice of India, and formed in the manner indicated, has primacy.

(4) No appointment of a Judge to the Supreme court or a High Court can be made, unless it is in conformity with the opinion of the Chief Justice of India.

(5) In exceptional cases alone, for stated strong cogent reasons, disclosed to the Chief Justice of India, indicating that the recommendee is not suitable for appointment, that appointment recommended by the Chief Justice of India may not be made. However, if the stated reasons are not accepted by the Chief Justice of India and the other Judges of the Supreme Court who have been consulted in the matter, on reiteration of the recommendation by the Chief Justice of India, the appointment should be made as a healthy convention.

(6) Appointment to the office of the Chief Justice of India should be of the seniormost Judge of the Supreme Court considered fit to hold the office.

(7) The opinion of the Chief Justice of India has not mere primacy, but is determinative in the matter of transfers of High Court Judges/Chief Justices.

(8) Consent of the transferred Judge/Chief Justice is not required for either the first or any subsequent transfer from one High Court to another.

(9) Any transfer made on the recommendation of the Chief Justice of India is not to be deemed to be punitive, and such transfer is not justiciable on any ground.

(10) In making all appointments and transfers, the norms indicated must be followed. However, the same do not confer any justiciable right on any one.

(11) Only limited judicial review on the grounds specified earlier is available in matters of appointments and transfers.

(12) The initial appointment of a Judge can be made to a High Court other than that for which the proposal was initiated.

(13) Fixation of Judge-strength in the High Courts is justiciable, but only to the extent and in the manner indicated.

**Capital Coal Investment**

5408. SHRI RAVINDRA KUMAR PANDEY: Will the Minister of COAL be pleased to state:

(a) whether capital reserve in coal companies is increasing due to the excess capital investment being made therein;

(b) the total capital investment made during each of the last three years;

(c) the total loss incurred as a result thereof;

(d) whether the Government have reviewed the working of those companies which are incurring loss due to excess capital investment; and

(e) if so, the outcome thereof?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRIMATI KANTI SINGH): (a) There is no capital reserve in Coal India Limited (CIL).

(b) Total capital investment made in CIL during 1993-94, 1994-95 and 1995-96 were Rs. 1687.92 crores, Rs. 1604.56 crores and Rs. 1503. 63 crores respectively.

(c) to (e) Do not arise in view of reply to part (a) of the question.

**Modernisation of Textiles Mills**

5409. SHRI K.P. SINGH DEO: Will the Minister of TEXTILES be pleased to state:

(a) whether the Government have a proposal to Modernise and Expand some Textile Mills during the Ninth Plan;

(b) if so, the textile mills identified further modernisation and expansion during that plan period;

(c) the total amount of investment proposed to be made for the expansion and the modernisation of textile mills; and

(d) the details thereof?

THE MINISTER OF TEXTILES (SHRI R.L. JALAPPA): (a) to (d) A proposal is under formulation to facilitate modernisation, through technological upgradation, of the textile industry. The intended objective is to improve production and productivity of the Indian textile industry to make it more competitive, including in the export market. Details of a Technology Upgradation Fund for textiles and jute industries are being worked out in this regard.